

REMARKS

The Applicants respectfully submit the following remarks in response to the Office Action dated August 1, 2005.

Currently, claims 1, 4-9, 11-15 and 20-23 are pending. In the Office Action dated August 1, 2005, claims 1, 4-8, 11-15 and 20-22 were indicated as reciting allowable subject matter. Claim 23 is new and depends from claim 20, which recites allowable subject matter. Claims 9 was rejected in view of U.S. Patent No. 5,937,442 to Yamaguchi et al.

Claim 9 has been amended to recite that the brace is “adjustable.” Applicants’ invention as recited in claim 9 is directed to a method of encouraging proper posture during a golf swing, comprising the steps of: (a) providing an adjustable brace comprising a first diagonal strap portion and a second diagonal strap portion; (b) placing the adjustable brace on a golfer, with the first diagonal strap portion extending along the golfer’s back from one shoulder downwardly and diagonally and with the second diagonal strap portion extending along the golfer’s back from the other shoulder downwardly and diagonally, with the brace in position during the golf swing such that the brace provides resistance to excessive bending of the golfer’s back during the golf swing; and (c) removing the adjustable brace from the golfer after the golfing activity is completed.

The Yamaguchi ’442 patent is directed to a shoulder and arm support garment for preventing and treating shoulder joint or muscle disorders. There is no disclosure or suggestion of using the garment for encouraging proper posture during a golf swing. The garment has a portion or portions having a “strong straining force.” These portions may be joined to the main garment by “stitching” or “adhering” or may be formed from the material of the garment itself or by other methods (e.g., impregnating) which result in these portions having a fixed position with


respect to the material of the garment. See, e.g., Yamaguchi '442, 13:46-14:19. Even if these portions were somehow considered a "brace," the Yamaguchi '442 patent does not disclose an "adjustable" brace as recited in claim 9.

On the basis of the foregoing, the Applicants would like to respectfully request further examination of this application. Should any questions arise, the Examiner is invited to contact the undersigned at (202) 220-4225.

The Commissioner is hereby authorized to charge any fees and credit any overpayments associated with this filing to Kenyon & Kenyon, Deposit Account No. 11-0600.

Respectfully submitted,

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